

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 28-940289 CSET**

**CONTROLLED SUBSTANCE EXCISE TAX  
FOR TAX PERIODS: 1993**

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**ISSUE**

**1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION**

**Authority:** IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

**STATEMENT OF FACTS**

Taxpayer was arrested for possession of marijuana. The Indiana Department of Revenue issued a Record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on September 13, 1993 in a base tax amount of \$82,184.00. Taxpayer filed a protest to the assessment. A hearing on the protest was scheduled for April 25, 2000. Taxpayer is currently incarcerated and was notified of the hearing. Taxpayer did not appear for the hearing or respond to the notice of hearing in any other manner. Further facts will be provided as necessary.

## **Controlled Substance Excise Tax-Imposition**

### **Discussion**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Taxpayer bears the burden of proving that the assessment of tax is incorrect. IC 6-8.1-5-1(b). The arresting officer's report and Indiana State Police Laboratory report indicate that Taxpayer was in possession of marijuana. Since Taxpayer did not appear at the hearing or offer any evidence to contradict the facts of the file, Taxpayer did not sustain its burden of proving that the assessment was incorrect.

### **Finding**

Taxpayer's protest is denied.